

By: Collier

H.B. No. 409

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the governance and administration of the Texas Indigent  
3 Defense Commission and to certain disclosures made in relation to  
4 the provision of funding for indigent defense services.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Sections 79.014(a) and (b), Government Code, are  
7 amended to read as follows:

8 (a) The governor shall appoint with the advice and consent  
9 of the senate seven [~~five~~] members of the board as follows:

10 (1) one member who is a district judge serving as a  
11 presiding judge of an administrative judicial region;

12 (2) one member who is a judge of a constitutional  
13 county court or who is a county commissioner;

14 (3) one member who is a practicing criminal defense  
15 attorney;

16 (4) one member who is a chief public defender in this  
17 state [~~or the chief public defender's designee, who must be an~~  
18 ~~attorney employed by the public defender's office~~]; [~~and~~]

19 (5) one member who is a judge of a constitutional  
20 county court or who is a county commissioner of a county with a  
21 population of 250,000 or more;

22 (6) one member who is either:

23 (A) a director of a managed assigned counsel  
24 program in this state; or

1           (B) a justice of the peace, municipal court  
2 judge, or appointed magistrate under Article 2.09, Code of Criminal  
3 Procedure, whose regular duties include presiding over hearings  
4 under Article 15.17, Code of Criminal Procedure; and

5           (7) one member who has a demonstrated expertise in  
6 indigent defense issues.

7           (b) The board members serve staggered terms of two years,  
8 with three [~~two~~] members' terms expiring February 1 of each  
9 odd-numbered year and four [~~three~~] members' terms expiring February  
10 1 of each even-numbered year.

11           SECTION 2. Sections 79.016(a) and (c), Government Code, are  
12 amended to read as follows:

13           (a) A board member who is a chief public defender or a  
14 director of a managed assigned counsel program for [~~or an attorney~~  
15 ~~employed by~~] an entity that applies for funds under Section 79.037  
16 shall disclose that fact before a vote by the board regarding an  
17 award of funds to that entity and may not participate in that vote.

18           (c) The commission may not award funds under Section 79.037  
19 to an entity served by a chief public defender or a director of a  
20 managed assigned counsel program [~~other attorney~~] who fails to make  
21 a disclosure to the board as required by Subsection (a).

22           SECTION 3. This Act takes effect September 1, 2023.